IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.451 OF 2004

IN

SUM. SUIT NO. 1079 OF 2004

National Education & Infor-
mation Films Ltd., .. Plaintiffs

vs.

Basant H. Ahuja .. Defendant .

Mr. N.V. Vimadalal for the plaintiffs.
Mr. S.J. Khera for defendant.

CORAM : S.U.KAMDAR, J.

DATE : 8th September, 2005.

P.C.

. The present suit is filed on a dishonoured cheque for Rs. 1,50,000/- with interest thereof of Rs. 61,950/- totalling to Rs. 2,11,915/-. It is the case of the defendants in the reply that there was defective goods and the cheque was given in blank and the letter head was also given to them in blank which has been utilised by the plaintiffs. The dishonoured cheque is a negotiable instrument and there is presumption of consideration. In view thereof, I find that the defence raised is totally bogus and moonshine. The defendants are directed to deposit a sum of Rs. 2 lacs within a period of four weeks failing within

the plaintiffs will be entitled to a decree. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.